

**REMARKS**

Favorable reconsideration of this application, in light of the present Response and in view of the following discussion, is respectfully requested.

Claims 1-4 are pending in the present application, and claim 1 is amended by the present Response.

As an initial matter, Applicants thank the Examiner, Mr. Bradley T. King, for the courtesy of an interview extended to Applicants' representatives, Mr. Ryan M. Rafferty and Mr. William E. Lyddane, on August 19, 2005. During the interview, the support for the features recited in independent claim 1 were discussed. No agreement was reached, although it was acknowledged that evidence of the knowledge generally available to those skilled in the art, at the time the present invention was made, would be considered upon submission of a Response to the outstanding Office Action.

Applicants would also like to express their appreciation to the Examiner for withdrawing the finality of the Office Action dated May 31, 2005 in the Office communication dated July 5, 2005.

Accordingly, independent claim 1 is amended in light of the comments noted during the interview and now recites, *inter alia*, that "the adjustable delay is adjusted according to a driving habit of a driver." It is believed no new matter is added by the amendment to independent claim 1.

In addition, copies of two example patents are submitted herewith for the convenience of the Examiner, which patents were issued prior to the filing of the present application and which evidence the fact that knowledge of techniques for

determining a driver's habits were generally known to those skilled in the art at the time the invention was made. In a non-limiting example, US Patent No. 6,450,919, which issued September 17, 2002, discusses, *inter alia*, "a driver type judging subroutine for judging the overall acceleration habits of the driver and classifying the driver as one of a plurality of driver types by monitoring the driving behavior for a predetermined time." Furthermore, US Patent No. 5,157,609, which issued October 20, 1992, discusses, *inter alia*:

... an accelerator pedal signal which is proportional to the position of the accelerator pedal is sensed and stored. By virtue of the sensed accelerator pedal signal value, accelerator pedal signal values which were detected and stored earlier are continuously updated, and an accelerator pedal activity is calculated from the stored accelerator pedal signals which evaluates a driver's driving style or a driving situation. This accelerator pedal activity will then be used for influencing limit values of shifting decisions in such a manner that the transition from the consumption-optimized to the power-optimized shifting program takes place continuously.

It is therefore possible to simulate the driver's driving style by way of this control system by detecting a quantity which is representative of this driving style.

Both US Patent No. 6,450,919 and US Patent No. 5,157,609 pertain to the automotive arts, and accordingly the subject matter discussed therein would have been known to one having ordinary skill in the art pertaining to the present application. Also, as acknowledged at page 3, lines 1 and 2 of the outstanding Office Action, the features recited in independent claim 1 have antecedent basis in the specification.

Accordingly, although not necessarily limited to the exemplary techniques and

methods for determining the driving habit of a driver as discussed in the above-noted example patent publications, nonetheless it is respectfully submitted that the feature recited in amended independent claim 1 that "the adjustable delay is adjusted according to a driving habit of a driver" is supported and enabled by the specification, at least in view of the knowledge generally available to a person of ordinary skill in the art at the time the invention was made, and as such independent claim 1 complies with the requirements of 35 USC § 112, first paragraph.

Moreover, independent claim 1 also recites, *inter alia*, that "changing the diameters of the variable orifices provides an adjustable delay in reducing the brake force of the wheel cylinders." In a non-limiting example, FIG. 1 shows that a variable orifice 57 is connected to the master cylinder 31 and the wheel cylinders 33 whether or not the solenoid valves 51 are opened. That is to say, the variable orifice 57 is able to circulate the brake fluid at a predetermined speed, using a brake hydraulic pressure difference between the master cylinder 31 and the wheel cylinders 33. Especially in the case that the solenoid valves 51 are closed and the driver takes his or her foot off the brake pedal 15 or releases the brake pedal, the variable orifice 57 ensures that the brake fluid slowly flows into the master cylinder 31, thereby lowering the brake hydraulic pressure of the wheel cylinder 33 to a designated speed (see the specification at page 5, lines 18-25).

In view of the non-limiting example noted above, it is respectfully submitted that the function of the variable orifice is clear. In addition, as noted above, adjusting an adjustable delay according to a driving habit of a driver is also supported by the specification, in view of the exemplary evidence indicating the knowledge of a person having ordinary skill in the art at the time the present invention was made. Accordingly, it is respectfully requested that the rejection of independent claim 1, and claims 2-4 depending therefrom, be withdrawn.

#### **Status of the Drawings**

In addition, Applicants respectfully request that the status of the Drawings filed with this application on December 3, 2003, be acknowledged in the next Office Communication.

#### **Conclusion**

Accordingly, no further rejections remain outstanding with regard to pending claims 1-4. Consequently, in light of the above discussion and in view of the present amendment, this application is believed to be in condition for allowance.

Therefore, entry and consideration of the present Response, reconsideration of the outstanding Office Action, and allowance of the present application and each of the claims pending therein is respectfully requested.

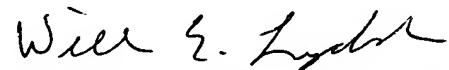
The amendments to the claims which have been made in this Response

have not been specifically noted to overcome a rejection based on prior art, and should thus be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to have attached thereto.

Applicants have made a sincere effort to place the present application in condition for allowance and believe they have now done so.

If the Examiner has any questions concerning this Response or the present application, Applicants respectfully invite the Examiner to contact the undersigned at the telephone number listed below.

Respectfully submitted,  
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Attachments: U.S. Patent No. 6,450,919  
U.S. Patent No. 5,157,609

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